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Peter G. Dilworth  
DILWORTH & BARRESE  
333 Earle Ovington Blvd.  
Uniondale, NY 11553

In re Application of :  
CHOW, David R. *et al* :  
U.S. Application No.: 10/500,395 :  
PCT No.: PCT/US02/41444 :  
Int. Filing Date: 27 December 2002 :  
Priority Date: 27 December 2001 :  
Docket No.: 285-237 PCT US :  
For: BONE FASTENERS AND METHOD OF :  
STABILIZING VERTEBRAL BONE :  
FACETS USING THE BONE :  
FASTENERS :

**DECISION ON  
PETITION FOR REVIVAL  
UNDER 37 CFR 1.137(b)**

This decision is in response to applicants' "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed on 24 June 2005. A review of the subject application reveals it is not abandoned.

Accordingly, applicants' petition to revive is **DISMISSED** as **MOOT**.

The Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) mailed 26 November 2004 provided applicants two months to submit a declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee. Extensions of time were available pursuant to 37 CFR 1.136(a) which authorizes up to five months. Thus, the deadline to provide a declaration and surcharge fee was 27 June 2005 (26 June 2005 was a Sunday).

In this case, applicants submitted a declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee on 24 June 2005 along with a transmittal letter authorizing that any additional fees required be charged to Deposit Account No. 04-1121. This is treated as a request for a five-month extension of time request which has been granted.

The five-month extension fee of \$1,080.00 for a small entity has been charged to counsel's Deposit Account as authorized. Applicants' petition to revive fee of \$750.00 has been credited back to counsel's Deposit Account.

Applicants have completed the requirements for acceptance under 35 U.S.C. § 371. The application has an international filing date of 27 December 2002, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 24 June 2005.

This application is being forwarded to the National Stage Processing Division of the

Office of PCT Operations for continued processing.

A handwritten signature in black ink, appearing to read "James Thomson".

James Thomson

Attorney Advisor

Office of PCT Legal Administration

Tel.: (571) 272-3302